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Margaret M. Clarke
Carlye O. Jimerson
Bradley S. Shelts
Lindsay J. McDowell
Denelda L. Richardson
Maria E. Cervantes

Hal Crouch (1902-1947)
Chris L. Rhodes (1902-1966)
E. D. Hieronymus (1908-1994)
George W. Gable (1918-2000)

— Est. 1931 —

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Of Counsel

RhodesHieronymus
O K L A H O M A

Reply to: Theresa Noble Hill
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February 27, 2007

Via Hand Delivery

Richard T. Garren
Riggs Abney Neal Turpen Orbison & Lewis, Inc.
502 W. 6th Street
Tulsa, OK 74101

Re: *State of Oklahoma v. Tyson*
Our File No. 1790-2

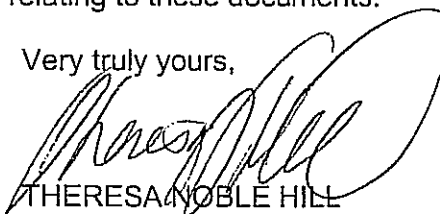
Dear Richard:

We are continuing our rolling production. Please find enclosed a C.D. containing documents CART015022 – 016843, consisting of the following files maintained by the following persons or at the off-site storage facility:

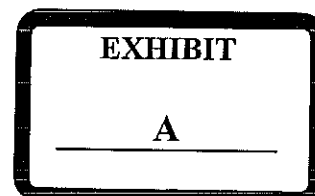
15022 – 15078	Greg Engelke
15079 – 15162	Ian Purtle
15163 – 15367	Luca Zullo
15368 – 15689	Tim Oolman
15690 – 16049	Jim Ward
16050 – 16100	Off-Site Storage
16101 – 16173	Bobby Devor
16174 – 16583	Tim Alsup
16584 – 16714	James Barton
16715 – 16843	Tim Maupin.

Please also find enclosed our confidentiality and privilege logs. Please do not hesitate to contact me should you have any questions relating to these documents.

Very truly yours,


THERESA NOBLE HILL

TNH:mb
Enclosures





Prod Doc No Begin	Prod Doc No End	Confidentiality Designation
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CARTP015023	CARTP015029	Confidential - Attorneys' Eyes Only
CARTP015030	CARTP015036	Confidential
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CARTP016215	CARTP016215	Confidential - Attorneys' Eyes Only
CARTP016216	CARTP016216	Confidential
CARTP016217	CARTP016217	Confidential
CARTP016218	CARTP016218	Confidential
CARTP016219	CARTP016219	Confidential - Attorneys' Eyes Only
CARTP016220	CARTP016220	Confidential

CARTP016221	CARTP016221	Confidential
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CARTP016224	CARTP016224	Confidential
CARTP016225	CARTP016225	Confidential
CARTP016231	CARTP016231	Confidential
CARTP016232	CARTP016232	Confidential
CARTP016233	CARTP016233	Confidential
CARTP016234	CARTP016234	Confidential
CARTP016235	CARTP016235	Confidential
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CARTP016242	CARTP016242	Confidential
CARTP016243	CARTP016243	Confidential
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CARTP016247	CARTP016247	Confidential
CARTP016248	CARTP016248	Confidential
CARTP016249	CARTP016249	Confidential
CARTP016257	CARTP016257	Confidential - Attorneys' Eyes Only
CARTP016258	CARTP016258	Confidential - Attorneys' Eyes Only
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CARTP016286	CARTP016286	Confidential - Attorneys' Eyes Only
CARTP016287	CARTP016290	Confidential
CARTP016389	CARTP016392	Confidential
CARTP016485	CARTP016488	Confidential
CARTP016489	CARTP016492	Confidential
CARTP016532	CARTP016532	Confidential
CARTP016533	CARTP016533	Confidential
CARTP016536	CARTP016536	Confidential
CARTP016537	CARTP016537	Confidential
CARTP016559	CARTP016559	Confidential - Attorneys' Eyes Only
CARTP016560	CARTP016560	Confidential - Attorneys' Eyes Only
CARTP016561	CARTP016561	Confidential - Attorneys' Eyes Only
CARTP016562	CARTP016575	Confidential - Attorneys' Eyes Only
CARTP016576	CARTP016578	Confidential - Attorneys' Eyes Only
CARTP016579	CARTP016581	Confidential
CARTP016582	CARTP016582	Confidential
CARTP016583	CARTP016583	Confidential
CARTP016584	CARTP016584	Confidential
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CARTP016739	CARTP016744	Confidential
CARTP016745	CARTP016759	Confidential
CARTP016760	CARTP016764	Confidential
CARTP016765	CARTP016770	Confidential
CARTP016771	CARTP016775	Confidential
CARTP016776	CARTP016786	Confidential
CARTP016787	CARTP016787	Confidential
CARTP016788	CARTP016800	Confidential
CARTP016801	CARTP016801	Confidential
CARTP016802	CARTP016803	Confidential - Attorneys' Eyes Only
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CARTP016805	CARTP016805	Confidential - Attorneys' Eyes Only
CARTP016842	CARTP016843	Confidential - Attorneys' Eyes Only



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June 5, 2007

VIA OVERNIGHT MAIL

Mr. Richard T. Garren
Riggs, Abney, Neal, et al.
502 West Sixth Street
Tulsa, OK 74119-1010

Re: State of Oklahoma v. Tyson, et al.
Case No. 05-CV-0329 GKF-SAJ

Dear Mr. Garren:

As referenced in my May 4, 2007 letter, please find enclosed one CD containing updated text load files with additional "Source" information for the Cargill Defendants' 1st through 4th productions. "Source" information has already been produced for the Cargill Defendants' 5th and 6th productions. Additionally, you will find on the CD TIFF images of additional file folder labels for Cargill's previously produced grower files. We further include an Excel document with a worksheet entitled "Grower Files – Folder Name Info" to assist you in understanding the documents associated with each referenced file folder.

Also enclosed on the Excel document are six worksheets entitled "PROD 01" through "PROD 06." These worksheets provide all currently available "Folder Name" information for the documents provided in each of the Cargill Defendants six document productions. You will note that for a small portion of the documents, most of which were collected from individual employee offices, we are unable to provide "Folder Name" information at this time. This is because the documents either were not maintained by these employees in labeled folders, or because of an error on the part of the document processing vendors in failing to properly capture the folder information for those documents. Still, the detailed "Source" information provides, where appropriate, the specific name of the individual from whose office a document was collected.

In particular worksheet "PROD 01" corrects an inadvertent error in the index sent with the cover letter to our first production dated December 5, 2006. Our cover letter incorrectly stated that CARTP000005-CARTP007981 was all "Grower Files," but as reflected in "PROD 01" the correct breakdown is actually as follows:

Mr. Richard T. Garren
June 5, 2007
Page 2

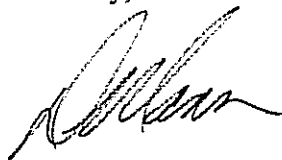
Bates Range	Description
CARTP000005-CARTP000447	Best Management Practices
CARTP000448-CARTP000706	Document Retention Policies
CARTP000707-CARTP000772	Flock Schedules
CARTP000773-CARTP007981	Grower Files

Finally, worksheets "PROD 01" through "PROD 06" identify which of Plaintiffs' document requests the Cargill Defendants believe each document to correspond based upon a preliminary review. Please note that we are providing this information to you as a matter of professional courtesy based upon the State's representations during the April 27, 2007 hearing that it is unable to assess the method of the Cargill Defendants' production. In undertaking to provide this information, the Cargill Defendants are going far beyond what is ordinarily required by Rule 34 with regard its six previous productions. However, the Cargill Defendants reserve the right to make any future productions in either of the manners contemplated by the rule in their sole discretion.

Together, the information provided in the load files and the above-referenced spreadsheets will further enable the State to comprehend where and how the documents were maintained at the Cargill facilities down to folder level detail, where available. Additionally, the information will assist the State in understanding how the documents correspond to their document requests.

We trust that the State will find that this information satisfies their concerns as to the method of the Cargill Defendants' document productions. However, if it does not, I reiterate the request made in my May 4, 2007 letter that the State provide a detailed explanation of the alleged deficiencies in the Cargill Defendants' production.

Sincerely,



Dara D. Mann

MANDD

cc: Theresa Hill

fb.us.2062952.02

Chart Identifying Folder/Source/Request Responsive To Information by Document

Production Doc No Begin	Production Doc No End	Folder Name	Source	Description	Request(s) Responsive To
CARTP000005	CARTP000037	Flock Evaluation/Environmental Audit	Ward, Jim	Best Management Practice	BMP: 7-10-06: RFPD 62-64; Disposal of Birds: RFPD 116; Grower Communications Re Growing: 7-10-06: RFPD 78-79; Grower Manuals: 7-10-06: RFPD 84-85; Housing: 7-10-06: RFPD 76-77; Poultry Waste: 7-10-06: RFPD 39-59
CARTP000038	CARTP000117	Folder Not Captured/Information Not Available	Willardson, Steve	Best Management Practice	BMP: 7-10-06: RFPD 62-64; Disposal of Birds: RFPD 116; Grower Communications Re Growing: 7-10-06: RFPD 78-79; Grower Manuals: 7-10-06: RFPD 84-85; Housing: 7-10-06: RFPD 76-77; Poultry Waste: 7-10-06: RFPD 39-59
CARTP000118	CARTP000150	Folder Not Captured/Information Not Available	Willardson, Steve	Best Management Practice	BMP: 7-10-06: RFPD 62-64; Disposal of Birds: RFPD 116; Grower Communications Re Growing: 7-10-06: RFPD 78-79; Grower Manuals: 7-10-06: RFPD 84-85; Housing: 7-10-06: RFPD 76-77; Poultry Waste: 7-10-06: RFPD 39-59
CARTP000151	CARTP000182	Folder Not Captured/Information Not Available	Willardson, Steve	Best Management Practice	BMP: 7-10-06: RFPD 62-64; Disposal of Birds: RFPD 116; Grower Communications Re Growing: 7-10-06: RFPD 78-79; Grower Manuals: 7-10-06: RFPD 84-85; Housing: 7-10-06: RFPD 76-77; Poultry Waste: 7-10-06: RFPD 39-59
CARTP000183	CARTP000341	Folder Not Captured/Information Not Available	Maupin, Tim	Best Management Practice	BMP: 7-10-06: RFPD 62-64; Disposal of Birds: RFPD 116; Grower Communications Re Growing: 7-10-06: RFPD 78-79; Grower Manuals: 7-10-06: RFPD 84-85; Housing: 7-10-06: RFPD 76-77; Poultry Waste: 7-10-06: RFPD 39-59
CARTP000342	CARTP000373	Folder Not Captured/Information Not Available	Maupin, Tim	Best Management Practice	BMP: 7-10-06: RFPD 62-64; Disposal of Birds: RFPD 116; Grower Communications Re Growing: 7-10-06: RFPD 78-79; Grower Manuals: 7-10-06: RFPD 84-85; Housing: 7-10-06: RFPD 76-77; Poultry Waste: 7-10-06: RFPD 39-59
CARTP000374	CARTP000447	Folder Not Captured/Information Not Available	Maupin, Tim	Best Management Practice	BMP: 7-10-06: RFPD 62-64; Disposal of Birds: RFPD 116; Grower Communications Re Growing: 7-10-06: RFPD 78-79; Grower Manuals: 7-10-06: RFPD 84-85; Housing: 7-10-06: RFPD 76-77; Poultry Waste: 7-10-06: RFPD 39-59
CARTP000448	CARTP000472	Folder Not Captured/Information Not Available	Smith, Trisha	Document Retention Policies	Document Retention/Destruction Policies: 4-21-06 RFPD 2
CARTP000473	CARTP000502	Folder Not Captured/Information Not Available	Smith, Trisha	Document Retention Policies	Document Retention/Destruction Policies: 4-21-06 RFPD 3
CARTP000503	CARTP000533	Folder Not Captured/Information Not Available	Smith, Trisha	Document Retention Policies	Document Retention/Destruction Policies: 4-21-06 RFPD 4
CARTP000534	CARTP000564	Folder Not Captured/Information Not Available	Smith, Trisha	Document Retention Policies	Document Retention/Destruction Policies: 4-21-06 RFPD 5
CARTP000565	CARTP000595	Folder Not Captured/Information Not Available	Smith, Trisha	Document Retention Policies	Document Retention/Destruction Policies: 4-21-06 RFPD 6
CARTP000596	CARTP000632	Folder Not Captured/Information Not Available	Smith, Trisha	Document Retention Policies	Document Retention/Destruction Policies: 4-21-06 RFPD 7
CARTP000633	CARTP000669	Folder Not Captured/Information Not Available	Smith, Trisha	Document Retention Policies	Document Retention/Destruction Policies: 4-21-06 RFPD 8
CARTP000670	CARTP000705	Folder Not Captured/Information Not Available	Smith, Trisha	Document Retention Policies	Document Retention/Destruction Policies: 4-21-06 RFPD 9
CARTP000707	CARTP000708	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1
CARTP000709	CARTP000710	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1
CARTP000711	CARTP000712	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1
CARTP000713	CARTP000714	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1
CARTP000715	CARTP000716	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1
CARTP000717	CARTP000718	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1
CARTP000719	CARTP000721	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1
CARTP000722	CARTP000725	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1
CARTP000726	CARTP000729	Folder Not Captured/Information Not Available	Alsop, Tim	Flock Schedules	Flock Schedule: 4-21-06 RFPD 1



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March 16, 2007

BY EMAIL

Richard T. Garren
Riggs, Abney, Neal, Turpen, Orbison & Lewis
502 West Sixth Street
Tulsa, OK 74119

EXHIBIT

D

Re: State of Oklahoma vs. Tyson, et al.

Mr. Garren:

Thank you for your email responding to my March 14th letter. It appears that we may be close to resolving this issue with perhaps a little more explanation of Cargill's position. In my March 14th letter, Cargill identifies several witnesses who will be able to discuss the documents possessed by Cargill that are responsive to the State's July 10, 2006 Set of Requests for Production of Documents. If, after deposing those individuals, the State has remaining concerns about available Cargill documents or would like to depose additional records custodians, we will certainly work with you in that regard. If you will kindly provide me a range of dates on which the State would like to pursue these depositions, I will work to coordinate scheduling with the pertinent Cargill employees.

As to the other concerns raised in your email, it appears that there are two issues responsible for the breakdown in communication between us. First, the State is apparently operating under the belief that it has served 30(b)(6) deposition notices upon Cargill and, as a result, is waiting for Cargill to "designate" the person or persons who can address every aspect of its document requests. Second, the State would specifically like for these persons designated by Cargill to have (a) knowledge of the State's July 10, 2006 Set of Requests for Production of Documents and (b) the ability to testify regarding the efforts undertaken by Cargill to locate and produce documents responsive to those requests. I will address each issue in turn below.

While I appreciate the State's belief that its deposition notices were issued pursuant to Rule 30(b)(6), Cargill believes that the deposition notices actually fall within the purview of Rule 30(b)(1). Rule 30(b)(1) states, in pertinent part (emphasis added):

A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify the person or the particular class or group to which the person belongs.

The deposition notices served by the State upon the Cargill entities specifically stated:

You are hereby notified that pursuant to Rule 30 of the Federal Rules of Civil Procedure Plaintiff will take the oral deposition of the Custodian of Records for Cargill The deposition is being taken for the purpose of discovery of all of the records and documents described in Plaintiff State of Oklahoma's July 10, 2006 Set of Requests for Production to Cargill . . . requests numbered 1 through 125

Given the far-reaching nature of the documents described in the State's document requests, there are many, many "custodians of records" who will be able to discuss the Cargill documents responsive to the State's requests. As a result, Cargill has undertaken to identify for you records custodians who can broadly identify documents available within Cargill that are responsive to your requests and who can identify for you other records custodians who may also have relevant information. Because the notices meet the requirements of 30(b)(1) but do not meet the requirements of 30(b)(6), Cargill has not undertaken to "designate" organizational representatives who can discuss the State's document requests *per se*.

However, even if Cargill were to construe the State's notices as 30(b)(6) notices or they were re-cast and re-served under Rule 30(b)(6), Cargill would still not be able to designate for deposition any person with (a) knowledge of the State's July 10, 2006 Set of Requests for Production of Documents and (b) the ability to testify regarding the efforts undertaken by Cargill to locate and produce documents responsive to that request. This is simply not possible, because the effort to review and respond to the State's document requests was handled directly by Cargill's counsel and is, therefore, privileged.

Without disclosing any privileged information, I will attempt to generally explain the method followed by Cargill to produce documents responsive to your requests. Upon receipt of service of the State's July 10, 2006 document requests, counsel for Cargill reviewed the document requests and developed a plan for identifying and producing responsive documents, subject to any applicable objections. The actual effort to locate, collect and produce responsive documents was not just guided or assisted by counsel, but was in fact handled directly by counsel in communication with numerous Cargill employees and visits to various Cargill facilities to identify, gather and copy documents. These documents were then reviewed by counsel both for responsiveness to the State's requests and for content to which Cargill objected to producing for

the reasons stated in Cargill's Responses to the State's July 10, 2006 Set of Requests for Production of Documents. Because all of these activities took place in the context of counsel rendering legal advice to Cargill during litigation, they are indisputably protected by both the attorney-client privilege and work product doctrine. *See, e.g., Boughton v. Cotter Corp.*, 65 F.3d 823, 829 (10th Cir. 1995) (explaining that depositions of opposing counsel are extremely unfavored and should be unavailable where information sought is privileged) (discussed by Mag. J. Joyner in Order of Feb. 26, 2007 regarding noticed deposition of Gen. Edwards).

We understand that, other than Cargill's legal team responsible for the production effort, there is no Cargill employee or representative who has received or reviewed Plaintiff's July 10, 2006 document requests as a part of their normal job responsibilities and who would not be subject to privilege. Therefore, there is no Cargill employee who can respond to questions based on their review of or familiarity with the State's document requests. Moreover, regardless of whether the State's notices were properly served under Rule 30(b)(1) or Rule 30(b)(6), it is not incumbent upon Cargill under the federal rules to require any employee to familiarize themselves with a legal document they would not otherwise encounter in the course of their job responsibilities just so the State can make inquiries about that document. Nor is it incumbent upon Cargill to require its employees to educate themselves on the reasoning and actions of counsel just so the State can attempt to find out what counsel has or has not done in responding to its requests and why. There is no burden to designate a witness to respond to 30(b)(6) topics designed to uncover privileged communications or attorney work product. *See Sprint Comm'ns. Co. v. Theglobe.com, Inc.*, 236 F.R.D. 524, 529 n.19 (D. Kan. 2006) (noting that corporation could refuse to name 30(b)(6) representative where subjects in deposition notice did not seek to obtain underlying facts but instead sought confidential communications and mental impressions of in-house and litigation counsel); *In re Indep. Serv. Orgs. Antitrust Litig.*, 168 F.R.D. 651, 654-55 (D. Kan. 1996) (defendant need not respond to 30(b)(6) notice requesting testimony about facts supporting denials and defenses in pleadings as notice was overbroad, inefficient, unduly burdensome, and designated matters inappropriate for Rule 30(b)(6) purposes such as attorney work product and legal opinions and conclusions).

Nevertheless, Cargill certainly recognizes that the State is permitted to discover the types of documents available within the companies which might be responsive to its discovery requests in the attempt to ascertain whether it has received all responsive documents. The only limitation Cargill has placed on this effort is that the State must proceed in a manner that does not invade privilege. Consistent with the deposition notices served by the State, it is our understanding that the State wishes to pursue this inquiry by deposing records custodians. Towards that end, we have identified for you key records custodians who will be able to provide the core information sought by the State: the documents in Cargill's possession, custody or control that are responsive to the State's requests. To the extent additional questions remain after deposing these key records custodians, Cargill will make available any other record custodian whom the State may identify in the course of these depositions. Further, Cargill will assist the State in identifying additional records custodians upon receiving further direction from the State of the topics or areas it feels have not been addressed by the previously named custodians.

By comparing the information gathered through these records custodian depositions to the documents produced by Cargill, the State will be able to identify any perceived gaps in Cargill's production and discuss with Cargill efforts to address those gaps. In light of the realities of the privilege attached to Cargill's identification and production of documents responsive to the State's requests, this seems the most reasonable and logical way to proceed.

Assuming the State is now ready to move forward with deposing any or all of the individuals identified in my March 14, 2007 letter, I ask that you forward to me a range of dates on which you are available so that I can then coordinate which of those dates work best for the Cargill employees concerned.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Mann', with a stylized, cursive script.

Dara D. Mann

cc: J. Trevor Hammons
fb.us.1895217.03



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March 14, 2007

BY EMAIL

Richard T. Garren
Riggs, Abney, Neal, Turpen, Orbison & Lewis
502 West Sixth Street
Tulsa, OK 74119

Re: State of Oklahoma vs. Tyson, et al.

Dear Mr. Garren:

This letter responds to your email of today's date regarding Cargill's ESI and records custodians. I confess that I am puzzled by your continued inability to understand what Cargill has repeatedly told you both orally and in writing, and what you have acknowledged on the record. (See Roe Dep., p. 4). It is my sincere hope that you are not being deliberately imperceptive in an attempt to make it appear that Cargill is being less than forthcoming.

As we have indicated on numerous occasions, we will arrange for the State to depose any person it wants with regard to the nature and location of Cargill documents and ESI that might respond to the State's discovery requests, subject to the objections identified in Cargill's discovery responses. However, we cannot produce any Cargill employee who can discuss either the search for responsive documents or the actual production of documents by Cargill to the State. As you know, both the search for and production of responsive documents were handled by Cargill's counsel and, as such, this information is protected by the attorney-client privilege and work product doctrine. Theresa and I have explained this to the State previously, and Ms. Roe confirmed this in her deposition. (See Roe Dep., pp. 25-28; 32-34).

Further, we repeatedly have advised you that, perhaps unlike other defendants in this litigation, Cargill does not have one or two employees who can discuss all documents maintained by the company that might respond to your requests. In one way or another, almost every employee of Cargill may fairly be construed a "custodian of records." Cargill has documents that are maintained centrally (though perhaps physically located in an individual's office for a period of time) and documents that are maintained by employees on

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Mr. Richard Garren
 March 14, 2007
 Page 2

an individual basis. We have already presented Brenda Roe to discuss centrally maintained documents generated at, for or by the Cargill Feed Mill in Springdale, Arkansas. Ms. Roe specifically discussed the structure of Cargill, including identifying specific individuals who are responsible for specific functions within Cargill. (See, e.g., Roe Dep., pp. 15-17 (Teel); 87 (McGarrah); 103-104 (Alsup and McGarrah); 109 (McGarrah)). Moreover, on February 27, 2007, Cargill produced a number of files maintained by individual employees along with a list of the names of the employees to whom the files correspond. (See Theresa Hill Letter to Richard Garren dated February 27, 2007). Between Ms. Roe's deposition and the information supplied with Cargill's document productions, the State already has sufficient information to specifically request by name individuals with whom they would like to pursue an inquiry regarding available documents.

In the interest of meeting the State more than halfway on this issue even though it is arguably not our duty to do so, we identify the following additional employees who will have broad, general knowledge about the documents maintained by Cargill:

- Tim Alsup, Flock Serviceperson, Springdale
- Gary McGarrah, Feed Mill Manager, Springdale
- Katie Teel, Ag Assistant, Gentry

Each of these individuals was identified in Ms. Roe's deposition. Although you did not inquire of Ms. Roe regarding documents relating to Cargill's breeding operations, should you be interested in those materials, Bobbi Devor, Breeder Flock Supervisor (Gentry), will have general knowledge of those documents.

With regard to the ESI custodians identified by Cargill, as expressly stated in my March 13th letter, Dennis Fulbright and Richard Burr will have general knowledge regarding the purpose and technical aspects, respectively, of many, if not all, turkey production applications used by Cargill. Specifically, both have knowledge of FICIMS, Bills, Feed Order, TFS, Breeder, and MyTurkey.com, but their degree of knowledge will vary depending upon the application or system discussed, and they may have knowledge of other applications and/or systems. These applications and systems were outlined for the State in Cargill's January 12, 2007 ESI meet and confer.

Contrary to the State's apparent position, Cargill does not believe that Rule 30 imposes upon it the obligation to ferret out every single individual within the company who might have any information in any way relevant to a very broad and non-specific records custodian deposition notice regarding documents potentially responsive to one hundred twenty-five (125) document requests, not including sub parts. Rather, consistent with our understanding of our duty under the rules, what we have done is identify persons within Cargill who are excellent starting points for discovery of the information you seek. After

Mr. Richard Garren
March 14, 2007
Page 3

deposing these individuals, the State then has at least two options for pursuing any further information it desires: (1) send a follow-up request regarding individuals or documents identified in the course of these depositions, and/or (2) provide more specificity as to the nature of documents or ESI about which the State would like to inquire so that we can ascertain the individuals within Cargill with particular knowledge of those matters.

If the State is interested in pursuing the depositions of any of the witnesses identified in this letter, please contact Theresa Hill or me as soon as possible with your date preferences so that we may make the appropriate arrangements. Also, as your email indicates that the State is willing to engage in another meet and confer in an attempt to flesh out ESI issues among others, please let me know your availability for such a meet and confer.

Thanks.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Mann', written in a cursive style.

Dara D. Mann

cc: J. Trevor Hammons

fb.us.1858678.01



UNITED STATES | ENGLAND | GERMANY | CHINA

DARA D. MANN
dmann@faegre.com
(612) 766-7089

ATLANTA OFFICE: 678-627-8190

May 4, 2007

VIA EMAIL

Mr. Louis Bullock
Miller Keffer Bullock Pedigo
222 S. Kenosha Ave.
Tulsa, OK 74120

Mr. Richard T. Garren
Riggs, Abney, Neal, et al.
502 West Sixth Street
Tulsa, OK 74119-1010

Re: State of Oklahoma v. Tyson, et al.
Case No. 05-CV-0329 GKF-SAJ

EXHIBIT

F

Dear Messrs. Bullock and Garren:

Although I was not present at the April 27, 2007 hearing, other counsel representing the Cargill Defendants have brought to my attention that the State raised concerns about our document production. Specifically, the State asserted that the Cargill Defendants have not produced any ESI and questioned the manner in which the Cargill Defendants produced their documents. Other than a passing mention in a footnote in the State's Motion to Compel, the State has not made any attempt to address its concerns directly with counsel for the Cargill Defendants as contemplated by Local Rule 37.1. Nonetheless, in the spirit of professionalism, I write to proactively address the concerns raised by the State.

As expressly stated in my April 26th letter, the Cargill Defendants have already produced some ESI. Just one example of the ESI previously produced to the State are the Prime Cost Settlement Reports, which are custom reports generated from Cargill's TFS

Mr. Louis Bullock
May 4, 2007
Page 2

database. We anticipate beginning shortly rolling productions of the remaining non-privileged, responsive ESI we have identified. This remaining ESI includes, but is not limited to, emails, Word documents, PowerPoint presentations, Excel spreadsheets, etc. As we have received Mr. Garren's request raising questions about the proposed format of the production, we will temporarily delay the anticipated ESI production until we have discussed Mr. Garren's concerns.

As for the State's concerns about the method of the Cargill Defendants' document productions, I am at somewhat of a loss as to how to address your concerns given that no representative of the State has ever raised the issue with either me or my co-counsel. The Cargill Defendants have produced their documents as the documents are kept in the ordinary course of business as stated in their response to your Motion to Compel. The Cargill Defendants have carefully reviewed their documents and produced only those documents that are responsive to the State's requests. In other words, there are no responsive documents that are buried between irrelevant or non-responsive documentation. Further, as a courtesy, we included with each of our productions cover letters identifying by bates range (a) the specific categories of documents being served and (b) the location from which the documents were obtained. Moreover, the Cargill Defendants have voluntarily produced with their documents load files that identify how documents were grouped with or attached to other documents. To further assist the State, we will shortly provide the State an updated load file that will contain additional source and folder information for the documents previously produced.

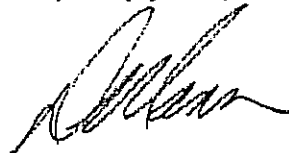
If, in providing this level of detail, the Cargill Defendants inadvertently led the State to the mistaken assumption that they elected to produce documents in the manner in which they correspond to Plaintiffs' discovery requests, that was certainly not our intention. Our intention was simply to provide the State with an understanding of how and where the responsive documents were maintained in the ordinary course of business by the Cargill Defendants.

Since you apparently believe that our efforts are insufficient, we invite the State to provide to us a detailed deficiency letter clearly outlining the nature of the State's concerns and specifying what further information the State believes it has requested. We could then either provide the information requested or, at a minimum, would have the necessary basis for a meet-and-confer to try to resolve the issue, as contemplated by the rules. I believe that most, if not all, of your confusion could be addressed by such a conference.

Mr. Louis Bullock
May 4, 2007
Page 3

Please do not hesitate to contact me if you would like to discuss any of these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Mann', with a stylized, cursive script.

Dara D. Mann

FD-115.2000595.02

cc: Trevor Hammons
John Tucker
Theresa Hill
Del Ehrich



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May 17, 2007

VIA EMAIL

Mr. Richard T. Garren
Riggs, Abney, Neal, et al.
502 West Sixth Street
Tulsa, OK 74119-1010

Re: State of Oklahoma v. Tyson, et al.
Case No. 05-CV-0329 GKF-SAJ

EXHIBIT

G

Dear Mr. Garren:

In response to your letter of today's date, please note that both of the issues you raise have been addressed thoroughly and painstakingly in prior communications, pleadings and proceedings on this subject including, without limitation, the following:

- D. Mann Letter to R. Garren dated March 14, 2007
- D. Mann Letter to R. Garren dated March 16, 2007
- D. Mann Letter to R. Garren dated May 4, 2007
- Deposition of Brenda Roe, pp. 25-28, 32-34
- Cargill Defendants' Opposition to the State's Motion to Compel [Dkt. #1136], Argument, Section D(6).

For your reference and convenience, I enclose another copy of each of these documents.

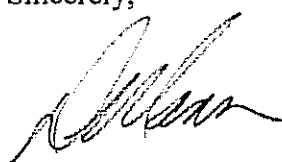
Reiterated summarily:

Every production made by the Cargill Defendants to date has been made as the documents are maintained in the ordinary course of business by the Cargill Defendants. In addition to producing the documents as kept by the Cargill Defendants, we have also provided the State general information regarding (a) the categories of documents produced, (b) the location from which the documents were collected, and (c) load files with more specific source information. Moreover, we will provide shortly additional folder-level detail.

Mr. Richard T. Garren
May 17, 2007
Page 2

Legal counsel for the Cargill Defendants are the person(s) most knowledgeable about both (1) the search for documents responsive to the State's discovery requests and (2) the manner in which the Cargill Defendants have produced documents responsive to the State's requests. Accordingly, information regarding the conduct of the Cargill Defendants' search for and production of responsive documents is privileged. However, as outlined in previous correspondence, there are other mechanisms through which the State can ascertain the completeness of the Cargill Defendants' production which do not invade privilege.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dara D. Mann', with a stylized, cursive script.

Dara D. Mann

MANDD

cc: Trevor Hammons
Theresa Hill

fn: 2050245.01



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DARA D. MANN
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ATLANTA OFFICE: 678-627-8190

May 23, 2007

VIA EMAIL

Mr. Richard T. Garren
Riggs, Abney, Neal, et al.
502 West Sixth Street
Tulsa, OK 74119-1010

EXHIBIT

H

Re: State of Oklahoma v. Tyson, et al.
Case No. 05-CV-0329 GKF-SAJ

Dear Mr. Garren:

In response to your letter of May 21, 2007, please note that the Cargill Defendants have already addressed in my correspondence of March 14, 2007, March 16, 2007 and May 17, 2007 the issue of the person(s) most knowledgeable about the search for and production of documents responsive to the State's discovery requests. Each of these letters explained the Cargill Defendants' position in great detail. However, in reply to these letters the State has done nothing more than repeat its request. You have not attempted to provide a substantive response. You have not attempted to support your position as to why you "disagree" with the Cargill Defendants. And, you have not attempted to arrange a meet and confer.

As noted in my correspondence of March 14, 2007, the Cargill Defendants have identified Tim Alsup, Gary McGarrah, Katie Teel and Bobbi Devor as individuals generally knowledgeable about the documents available from the Cargill Defendants responsive to the State's requests. The Cargill Defendants have also identified Dennis Fulbright and Richard Burr as two individuals knowledgeable about the Cargill Defendants' electronically stored information responsive to the State's requests.

The Cargill Defendants have already provided detailed explanations of the method and manner of its document collection and production. As set forth in Rule 26(b)(1), "[p]arties may obtain discovery regarding any matter, *not privileged*, that is relevant to the claim or defense of any party" Additional case law supporting this proposition, including Judge Joyner's own Order with regard to the proposed deposition of Attorney General Edmondson, is cited in my March 16, 2007 letter. If the State has case law and facts

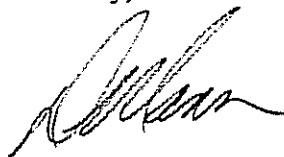
Mr. Richard T. Garren
May 23, 2007
Page 2

to support its position that the conduct of the Cargill Defendants' counsel in collecting and producing documents as detailed in my previous letters is "not privileged," I invite you to provide me with said case law.

Please be assured that the Cargill Defendants have no intention of resisting properly constituted efforts at discovery when and if made. As set forth in this and prior correspondence, there are methods of obtaining the information the State seeks that will not invade privilege including, among other things, deposing individuals previously identified by the Cargill Defendants as having knowledge relevant to this issue. Should the State wish to depose the persons identified by the Cargill Defendants in response to its records custodian deposition notice, I ask that you please specify the name of the witness(es) and provide a range of proposed dates so that we can target a mutually acceptable date for counsel and witnesses.

In future correspondence on behalf of the State on this issue, please include substantive factual and legal support for your position, as those are the types of communications that are helpful towards understanding and resolving issues in good faith. We look forward to your future communication in this regard including, if necessary, to meet and confer in good faith.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dara D. Mann', with a stylized, cursive script.

Dara D. Mann

MANDD

cc: Trevor Hammons
Theresa Hill

00002056218.02

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May 21, 2007

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VIA E-MAIL AND
U. S. MAIL

RE: *State of Oklahoma v. Tyson et al.*
United States District Court Northern District of Oklahoma
Case No. 05-CV-0329 GKF-SAJ

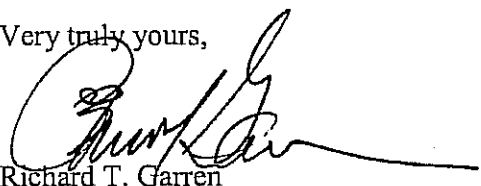
Dear Ms. Mann:

We disagree that information regarding the conduct of the Cargill Defendants' search for and production of responsive documents to the State's document requests is privileged. Please provide us the case law and facts upon which you base your position.

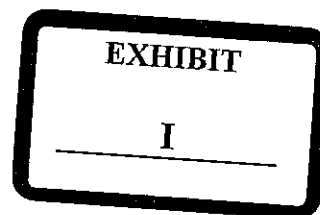
Please consider this the State's formal request for a 30(b)(6) deposition of the person most knowledgeable about both the (1) the search for documents responsive to the State's discovery requests, and (2) the manner in which the Cargill Defendants have produced documents that are responsive to the State's requests. Please provide a date and location for the deposition.

If you intend to resist such a deposition, please let me know immediately so that we can meet-and-confer and, if necessary, get this matter before the Court.

Very truly yours,


Richard T. Garren
FOR THE FIRM

RTG/dpe
cc: Theresa Noble Hill



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May 21, 2007

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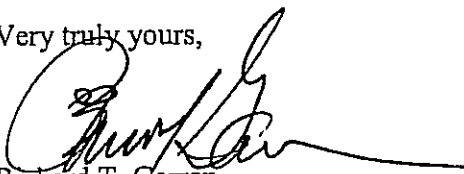
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Richard T. Garren
FOR THE FIRM

RTG/dpe
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